



**To:** Marlene H. Dortch, Secretary—FCC

**From:** Anne Greer

**RE:** Comment on Amendment of Part 97 of the Commission's Rules To Implement WRC-03 Regulations Applicable to Requirements for Operator Licenses in the Amateur Radio Service

**WT Docket No:** 05-235

**Date:** October 24, 2005

Dear Secretary Dortch,

This comment is in response to the Commission's recent NPRM to revise certain licensing requirements for individual amateur radio operators in accordance with international radio regulations adopted at the 2003 Radiocommunication Conference. I am not an amateur radio operator; I am a third year law student and would like to share my views with the commission as a concerned member of the general public. My comment specifically concerns FCC's proposal to entirely eliminate the requirement that individual amateur radio operators must pass a Morse code examination to obtain certain classes of operator licensing. With all due respect to the Commission, it is my opinion that the outright elimination of the Morse code proficiency requirement from the current licensure system will serve to undermine the fundamental purpose of the regulation and result in a disservice to the public and to an important segment of America's civil service.

It is true that Morse code is no longer necessary to every day communication. Cell phones and satellite communications have replaced the need for Morse code in most situations. For this reason, it is logical for the

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Commission to partially eliminate the requirement that an individual seeking an amateur radio operator's license pass an international Morse Code Telegraphy examination. However, where an individual seeks to obtain an Amateur Extra Class license, the most advanced license available to amateur operators, the Morse code proficiency requirement should stand.

In reaching the conclusion that "maintaining a telegraphy requirement for the Amateur Extra Class license would not be in the public interest,"<sup>1</sup> the Commission downplayed, if not overlooked, the critical role of the amateur radio service during times of local, regional, and national emergencies. It also overlooked the continued utility of Morse code in emergency situations. The role of operators during emergencies combined with the continued utility of Morse code in limited situations provide a strong basis to maintain the telegraphy requirement for the most advanced class of operating licenses.

#### The Role of Amateur Radio Operators in Times of Emergency

The first principle that underlies the fundamental purpose and basis of regulation of the amateur radio service is the "[r]ecognition and enhancement of the value of the amateur service to the public as a voluntary noncommercial communication service, *particularly with respect to providing emergency communications.*"<sup>2</sup>

Despite the fact that amateur radio operators have played a critical role in emergency communications since 1910<sup>3</sup>, their voluntary service often goes

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<sup>1</sup> NPRM, FCC 05-143, at 11.

<sup>2</sup> 47 C.F.R. § 97.1(a) (emphasis added.)

<sup>3</sup> <http://www.garyhollowell.com/THE-ROLE-OF-AMATEUR-RADIO.htm>.

unnoticed by the public and media. More than 80,000<sup>4</sup> amateur operators have registered their availability to assist local, state, and federal government with electronic communications in the event of disaster. In fact, local, state, and federal government and others often rely on these individuals to implement portions of their emergency response plans.

The Amateur Radio Emergency Service (ARES) has signed memoranda of understandings with the Federal Emergency Management Agency (FEMA), the National Communications System, the American Red Cross, the Salvation Army, and the National Weather Service to provide communication support services in times of emergency or disaster.<sup>5</sup>

In recent years, amateur operators have played a critical role in emergency communications in times of catastrophic disaster, such as hurricanes, fire, floods, and earthquakes. Hurricane Katrina was no exception. There are countless stories involving the use of the amateur radio service to coordinate search and rescue efforts with the coast guard and other authorities.<sup>6</sup>

This information naturally leads an outsider (a nonmember of the amateur radio service) to several observations. First, it is safe to say that most Americans do not understand the extent to which our government and government funded relief organizations rely on amateur operators in emergencies. Second, given the extent of that reliance, it is in the public's best interest to ensure that licensing requirements are administered to ensure a minimum level of operator competence and responsibility. And third, that the

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<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> <http://www.msnbc.msn.com/id/9228945/>.

role of the Commission is to not only facilitate and encourage interested individuals to contribute to the advancement of radio art but also to make certain licensed operators are, at the very least, competent with respect to the basic uses of this communication technology.

### The Continuing Utility of Morse Code

Whether proficiency in Morse code contributes to competence of amateur radio operators seems to be the million-dollar question. There are those that argue that Morse code is completely obsolete. Others maintain that it is a method of communication that can be used, but is unnecessary.

However, there are some attributes of Morse code that cannot be disputed.

- Morse code is an extremely reliable and clear method of communication.
- Morse code can be used when other modes of communication are unavailable, overloaded, damaged, or disrupted.
- Morse code is the most widely recognized signaling code in the world.
- Morse code is the only code understood by both person and computer.
- Morse code is the only emission code allowed on all amateur radio frequencies (except 60 meters)<sup>7</sup>.
- Morse code can be more reliable than any other mode under poor signaling conditions.

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<sup>7</sup> [http://www.cvil.wustl.edu/~gary/Ham/morse\\_main.html](http://www.cvil.wustl.edu/~gary/Ham/morse_main.html).

Furthermore, those that cannot afford<sup>8</sup> or do not wish to depend on satellite equipment still rely on Morse code. American space shuttles are still equipped with a telegraph key to be used by astronauts in the event that other communication equipment fails.<sup>9</sup> Also, there is no language barrier with Morse code. It allows communication between operators that may not be possible otherwise.

It cannot be denied that Morse code is a viable and useful mode of communication. In fact, it is easy to imagine a situation where Morse code would be the best, if not the only, mode of communication available in a disaster.

It is true that “the trend in amateur communications is to use voice and digital technology.”<sup>10</sup> However, Morse code is still a very popular mode of communication for amateur operators. One survey found that of more than 1000 operators, approximately 35% still use Morse code as a primary mode of communication.<sup>11</sup>

#### Morse Code Testing Only for Amateur Extra Class Operating Licenses

There are several benefits to maintaining Morse code proficiency requirements for Amateur Extra Class operators. First and foremost, advanced operators should be able to communicate in Morse code at a reasonable speed in the event that an emergency situation would require them to do so. It is not unthinkable that such a situation may occur in times of natural disaster, where

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<sup>8</sup> The equipment needed to use Morse code is less expensive than equipment required for other modes. Considering that it is a goal of the Commission to encourage membership in the Service, it seems it would have an interest in maintaining the Morse code requirement to encourage those who cannot afford to invest in expensive equipment to obtain licenses.

<sup>9</sup> [www.npg.si.edu/edu/brush/guide/unit2/morse.html](http://www.npg.si.edu/edu/brush/guide/unit2/morse.html).

<sup>10</sup> NPRM, FCC 05-143, at 11.

<sup>11</sup> <http://www.arrl.org/survey.php3?pollni=176>.

conditions are such that satellites and cell service are overloaded, damaged, or disrupted. In those situations, coupled with poor signaling conditions, Morse code may indeed be the only effective means of communication.

Second, maintenance of the Morse code requirement only for Amateur Extra Class operators supports the Commission's goal to "encourage individuals who are interested in communications technology, or who contribute to the advancement of radio art, to become amateur radio operators."<sup>12</sup> By eliminating the requirement for all classes, except the most advanced, those interested individuals will still be able to obtain licenses and enjoy the benefits of becoming an operator without having to meet the Morse code requirement. It is unlikely that imposing the requirement only for the most advanced will dissuade newcomers from obtaining a Technician license.

Third, advanced operators should be required to be proficient in all effective modes of communication. It is true that amateur radio operators are not required to assist authorities in times of emergency. But the fact is that they do, and government agencies and relief organizations depend on them to do so. Advanced operators have access to frequencies unavailable to other operators. Therefore, they are often more critical to emergency communications. For this reason, they should be proficient in all modes of effective communication, including Morse code.

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<sup>12</sup> NPRM, FCC 05-143, at 3.

Finally, advanced amateur operators are more likely to communicate internationally<sup>13</sup>. Morse code is known all over the world. With Morse code, there is no language barrier. Therefore, maintaining the requirement for these operators will allow them to communicate when they otherwise could not. Although the amended 2003 International radio regulations no longer require Morse code proficiency for amateur operators, individual nations may maintain the code requirement. If other nations choose to maintain the requirement, it will be important for American operators to maintain proficiency as well<sup>14</sup>.

### Conclusion

It is important to recognize that eliminating the Morse code requirement entirely will not likely mean the end for Morse code. It is apparent that there are many operators who still use the code regularly and will continue to do so if the requirement is eliminated. However, it is likely that the elimination of the requirement will work to discourage those who have an avid communications technology interest to learn an effective and perhaps, at times, crucial mode of communication.

I would urge the Commission to rethink its position to entirely eliminate the Morse code requirement. Given the continued utility of Morse code, its popularity, and the role of amateur radio operators in emergency and disaster communications, it is clearly in the public's best interest to maintain the requirement.

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<sup>13</sup> Advanced Extra Class operators are permitted to transmit at frequencies that allow international communication

<sup>14</sup> As Americans, it is our obligation and duty to assist foreign countries in need. Due to the costs of newer technology, it is likely that smaller, third world countries will continue to use Morse code at a higher rate than wealthier nations with more access to modern technologies.